

Amendments to the Drawing:

Applicants have amended Figures 1, 3 and 4 to include descriptive labels with the function of each box. Three replacement sheets are attached.

REMARKS

Claims 16-32 are pending in the above-referenced application and are submitted for the Examiner's reconsideration. Applicants note that the Examiner incorrectly listed only claims 15-30 on the face of the office action, but in actuality the preliminary amendment dated November 10, 2003, canceled original claims 1-15 and submitted new claims 16-32.

The Examiner asserts that the certified copy of the foreign priority document has not been submitted. This assertion is false because according to the Notification Of Defective Response, which was mailed on September 4, 2003, the priority document is listed as among those items that the Patent Office has received from the International Burea (IB). Therefore, Applicants request that the Examiner acknowledge that the priority document has been received.

In view of the amendments to the drawings, withdrawal of the objection is requested.

As for the objection to the claims, withdrawal is requested in view of the claim amendments.

Claims 16, 27, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,212,831 to Chuang et al. ("Chuang I"). Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 5,093,924 to Toshiyuki et al. ("Toshiyuki"). Claims 17-19, 26, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 6,052,594 to Chuang ("Chuang II"). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 6,442,152 to H'mimy. Claims 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Patent No. 5,175,867 to Wejke et al. ("Wejke"). Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Published Patent Application No. 2001/004687 to Mizoguchi ("Mizoguchi"). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang I in view of United States Published Patent Application No. 2004/0214582 to Lan ("Lan").

Chuang I describes a method and a device for autonomously assigning frequencies in TDMA radio systems in an adaptive manner. The point to note is that each radio base station determines its own transmission frequency and corresponding receiving frequency. The method is based on the measurement of signal strength. An algorithm selects the frequency having minimal interference from other radio base stations. In this context, a radio base station switches off its own transmitter, searches all of the applicable transmission frequencies, and measures the signal strength of the other radio base stations. The frequency channel having the lowest received power

is selected for the downlink transmission of the radio base station. This method is executed by all of the radio base stations, either independently or asynchronously or according to a coordinated plan (abstract). The method is executed when the system is installed or when it is grown. It can also be executed when the topological conditions have changed. It is an offline process, which is carried out at a time at which the transmission service is used as little as possible (column 11, line 66 through column 12, line 34).

In contrast, the claims 16 and 27 provide that during uncoordinated operation of the radio base stations, at least one of the transmission channels is assigned the transmission of signals between one of the radio base stations and only one of the mobile stations as a function of a channel measurement, in which the transmitted power on all possible transmission channels is measured, when the previously measured, transmitted power on this transmission channel is minimal. While the subject matter of Chuang I is therefore to ascertain, for a radio base station, a downlink frequency and an uplink frequency for, in each instance, all of the mobile stations in the radio cell of the radio base station and, in so doing, to check the frequency channels used by the other radio base stations for their signal strength, the invention of claims 16 and 27 is to ascertain a transmission channel for a connection between exactly one radio base station and exactly one mobile station. In other words, the subject matter of claims 16 and 27 is the portable radio access, which is described in column 12, lines 4 through 7, of Chuang I and is not carried out offline, but rather in real time and in response to an inquiry of the subscribers. It is not a frequency assignment, rather a time-slot assignment as a part of the link access protocol. Chuang I does not describe how this assignment of a time slot for a connection between a radio base station and a mobile station is implemented.

Furthermore, the uncoordinated operation of the radio base stations according to claims 16 and 27 should not be mistaken for the independently and asynchronously executed search of a frequency channel for each of the radio base stations according to the abstract of Chuang I. While the subject matter of Chuang I allows the downlink and the uplink frequency for the individual radio base stations to be searched independently of each other and asynchronously or, as an alternative, in a coordinated manner, the uncoordinated operation of the radio base stations in the subject matter of claims 16 and 27, means that the radio base stations are not connected by a superordinate system, so that a coordinated code assignment is not possible. In contrast, the radio base stations according to Chuang I are connected to a central office 10 in the form of a superordinate system (column 10, lines 49 through 51 and Figure 1), which means that in contrast to claims 16 and 27, they are obviously operated in a coordinated manner.

Thus, claims 16 and 27 provide the advantage that in the case of uncoordinated operation of a plurality of radio base stations, the capacity of the telecommunications network, and thus the

number of connections that can be simultaneously set up in the telecommunications network, can still be maximized.

Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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